

# EXHIBIT X

Declaration of Kathleen T. Zellner in  
Support of Plaintiff's Response to  
Defendant's Renewed/Second Motions  
For Summary Judgment (C11-5424BHS)

CLARK COUNTY SHERIFF'S OFFICE, WASHINGTON  
UTILITY REPORTPAGE 1 OF 1

SUPPLEMENTAL RPT.

CONTINUATION OF:  
 Incident Rpt.  Supplemental Rpt.

TYPED BY: S. Krause

NOV. CLASSIFICATION (INCLUDE R.C.W. NO.)

PROCESSED BY:

Indecent Liberties/Statutory Rape 1st Degree

DATA ENTRY BY:

LOCATION OF INCIDENT

17681 N.E. Lucia Falls Rd., Yacolt, Washington DATE OF INCIDENT PRESENT DATE  
Summer of 1984 12-20-84

- 1 ADDITIONAL PERSONS INFO - ATTACH ADDITIONAL INCIDENT REPORTS. DETAIL ADDITIONAL PERSON INFORMATION NOT COVERED IN BOXES.
- 2 ADDITIONAL SUSPECT INFO - ATTACH ADDITIONAL INCIDENT REPORTS. DETAIL ADDITIONAL SUSPECT INFORMATION NOT COVERED IN BOXES.
- 3 INJURED PERSONS - (VICTIMS, WITNESSES, OFFICERS, SUSPECTS) - DETAIL INJURIES, MEDICAL EXAM, DISPOSITION
- 4 ADDITIONAL PROPERTY - ATTACH UTILITY/PROPERTY REPORT. DETAIL INFORMATION NOT INCLUDED IN BOXED PROPERTY SECTION.
5. PHYSICAL EVIDENCE - DETAIL WHAT AND WHERE FOUND, BY WHOM, AND DISPOSITION.
6. VEHICLES - SUSPECT VEHICLE INFORMATION IN SAME ORDER AS VEHICLE SECTION. ADDITIONAL VEHICLE INFORMATION NOT INCLUDED IN BOXES
7. PARENT, GUARDIAN'S NAME, ADDRESS, PHONE NUMBER OF JUVENILE IN DETENTION. INDICATE IF CONTACTED AND IF INCIDENT ADJUSTED.
8. LIST DOCUMENTS ATTACHED - (AIR FORM, MEDICAL RELEASE, WAIVERS, ETC.)
9. RECONSTRUCT INCIDENT AND DESCRIBE INVESTIGATION.
10. SYNOPSIS FOR PROSECUTOR ON CLEARED CRIMES AND CUSTODIES.

ITEM NO. ARE LISTED IN ORDER OF STEP 1 TO 10. IF STEP IS UNNECESSARY, OMIT.

ITEM	CODE	PERSONS CODE	NAME OF VICTIM OTHER LAST, FIRST, MIDDLE	SPENCER, Kathryn	Dob; 01-13-79
		SUSPECT:	SPENCER, Clyde Ray	Dob; 01-09-48	
			17681 N.E. Lucia Falls Rd.		
			Yacolt, Washington	Phone 687-1407	

## CASE STATUS INFORMATION:

This investigation has been completed with all  
 Witness's and victim interviewed. The case has been referred  
 to the Prosecutor for any further action.

CASE NO.  
84-8506

<input type="checkbox"/> CA	<input type="checkbox"/> CPS	<input type="checkbox"/> CMHP	<input type="checkbox"/> DSHS	<input type="checkbox"/> PATROL	REPORTING OFFICER: Sharon A. Krause K/43 Detectives	DIST.
<input type="checkbox"/> PA	<input type="checkbox"/> JDH	<input type="checkbox"/> PAT	<input type="checkbox"/> SIU	<input checked="" type="checkbox"/> DETECTIVE		
<input type="checkbox"/> UNFOUNDED						
Cleared by: EXCEPTIONAL DIST:					REVIEWED BY:	DATE:

# EXHIBIT Y

Declaration of Kathleen T. Zellner in  
Support of Plaintiff's Response to  
Defendant's Renewed/Second Motions  
For Summary Judgment (C11-5424BHS)

CLARK COUNTY SHERIFF'S OFFICE, WASHINGTON  
UTILITY REPORT

CASE #84-8506  
SUPPLEMENTAL RPT

FIRST DEGREE STATUTORY RAPE, RCW 9A.44.070

LOCATION OF INCIDENT: 17681 NE Lucia Falls Road  
Yacolt, Washington

DATE OF INCIDENT: Between 07-14-84 and 02-17-85

DATE & TIME: 02-28-85 0930 hours  
02-27-85 0930 hours

LOCATION: CCSO, Investigation Unit

INCIDENT: Interview with Victim/  
and Mother of Victim

VICTIM: HANSEN, Matthew Alan dob: 02-20-80  
17681 NE Lucia Falls Road  
Yacolt, Washington phone: 687-2407

SUSPECT: SPENCER, Clyde Ray dob: 01-09-48  
aka: Ray SPENCER  
17681 NE Lucia Falls Road  
Yacolt, Washington phone: 687-2407

ADDITIONAL PERSONS

INTERVIEWED: SPENCER, Shirley J. dob: 04-27-42  
(mother of above listed victim/  
wife of above listed suspect)  
17681 NE Lucia Falls Road  
Yacolt, Washington phone: 687-2407

CCSO Case #84-8506, S.A.KRAUSE, K-43

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7058-482

SUMMARY:

On 02-22-85 during an interview I had with Shirley SPENCER regarding allegations that her husband, Ray SPENCER, had been sexually involved with his natural daughter, Kathryn SPENCER, age five, I expressed concerns to Shirley SPENCER regarding her son, Matt HANSEN. Specifically, based on what Shirley SPENCER was saying Matt appeared to be having some difficulty regarding his not understanding what was occurring and the reasons for his father moving out of the home. Also, I talked with Shirley SPENCER regarding concerns I had that possibly if Ray SPENCER were, in fact, involved sexually with his daughter that her son, Matt, may also have been victimized. Shirley SPENCER indicated that there have been a couple of occasions when she briefly asked her son, Matt, and that Matt was not indicating that anything had ever occurred sexually between he and Ray SPENCER.

During the time Shirley SPENCER was in my office I did advise her that I felt it was important for someone to talk with her son, Matt, so that he would have a better understanding and also indicated to her that I would be willing to do that. I advised Shirley SPENCER that I would call her during the first part of the following week and indicated that I would like her to think about what she wanted to do regarding my talking with her son.

On the morning of 02-26-85 I made phone contact with Shirley SPENCER at her residence. Immediately after we started talking I felt because of the tone of her voice that something was bothering her. When I asked Shirley SPENCER if something was wrong she stated, "Sharon, I think Ray might have done something to Little Matt." When I asked her why she felt that way Shirley SPENCER related the following. Her son, Matt, wasn't feeling well on Friday night and she was up with him several times during the night because he was running a fever. She advised when she indicated to Matt that she was going to call the doctor on Saturday morning Matt became extremely upset and kept telling her, "Please don't take me to the doctor." Shirley SPENCER indicated that her son was making statements to her that lead her to believe that he was frightened at the thought of going to see a physician. She also advised me that he has never acted like that and she did not believe he had even had a shot from going to the doctor that he would be concerned about. She indicated that when

she attempted to make a phone call he became so upset it became necessary for her to hang the phone up.

Apparently after that she told Matt that she was going to have to take him temperature. Shirley advised me that she has always taken Matt's temperature rectally and that he has never minded. Apparently when she indicated to him that she was going to take his temperature he became even more upset than he had when she indicated she was going to call the doctor. She advised that she told him she either had to take him to the doctor or take his temperature because he was so sick. Apparently at one point Matt agreed to let her do that and made a statement similar to, "Put it in really, really slow, Momma, put it in really slow, Momma, don't hurt me, Momma, take it out really slow, Momma, be careful, Momma, and don't hurt me." Shirley SPENCER advised that she was very upset because of what Matt said and to her knowledge there was never anything that would have concerned him about her taking a rectal temperature.

During that conversation Shirley SPENCER also advised me that without asking Matt or leading him she tried to determine if something had gone on and at one point Matt told her that his "daddy had done something but it was too gross and he didn't want to talk about it." I asked Shirley SPENCER how she felt about my interviewing Matt and she advised that she had called her counselor and the counselor suggested that she take Matt to a child psychologist named Gladys CHILDS rather than have me do the interview. She also indicated that CHILDS charged \$70.00 per hour with a minimum of two hours during the first visit. Shirley SPENCER related that she was concerned because of her financial status that was going to be extremely difficult for her, but if it became necessary she would quit seeing Jeannette DEZOFI, who is the counselor she has been seeing.

Shirley SPENCER also advised me that Ray SPENCER was currently living in a trailer belonging to a Leo CLARK, located in Knowles Trailer Park at 1501 NW Knowles Drive. She advised me that Leo CLARK had called her on Monday, the 25th, and "got in her face." Shirley SPENCER advised me that she "didn't know how much more of this she could take."

I talked with Shirley SPENCER for several minutes and asked her to reconsider my interviewing Matt because, based on what she was

saying, I too had concerns that Matt had some type of sexual contact with Ray SPENCER. I indicated to Shirley SPENCER that I knew her main concern was the well being of her son and assured her that I would not even suggest talking with him if I thought it was going to traumatize him.

Prior to terminating my conversation with Shirley SPENCER I also advised her that I would like to meet with her again and talk to her regarding specifics reference her knowledge about Ray SPENCER or any information she may be able to share that would shed some light on what had actually occurred between Ray SPENCER and his daughter, Kathryn. Shirley SPENCER agreed to meet with me on the morning of February 27, 1985. I also indicated to Shirley SPENCER that I had a conversation with Vancouver Police Officer Jim HULSE and he also indicated that he had some questions and I would be advising him so he could be with me during my conversation with Shirley SPENCER.

At approximately 4:00 PM on the afternoon of the 26th Officer HULSE called me and advised me that Shirley SPENCER was at his office earlier in the afternoon. He indicated that when she saw him she wondered what he wanted to talk to her about. Officer HULSE advised her that he just had some questions and also apparently talked with Shirley SPENCER about my interviewing her son, Matt. Officer HULSE also advised me that he had talked with Officer GIBSON, who apparently talked with Shirley and was encouraging her to bring Matt to my office so that I could interview him regarding concerns of sexual abuse.

DATE & TIME: 02-27-85 0930 hours  
INCIDENT: Interview with Shirley SPENCER

During the initial part of the interview with Shirley SPENCER only she and I were present. Officer HULSE had called me earlier that morning and indicated that he would be arriving late and asked that I advised Shirley SPENCER.

During my conversation with Shirley SPENCER she related the following. I asked her if her son, Matt, had ever complained to her about hurting in the area of his rectum or penis and she advised that he had never complained about his penis hurting that she could remember. However, she had recalled a time during the summer months of 1984 when Matt "hung on her, saying,

'Mommy, it hurts, it hurts,' reference his rectum. She advised that he didn't indicate why it hurt and she felt possibly that he was constipated.

Shirley SPENCER indicated to me that after I talked with her about Kathryn's reports, she had contacted Ray SPENCER'S attorney, Jim RULLI, to see if he could show her the other reports so she could read everything. She advised me that Ray had told her Jim RULLI did not have the reports and when she contacted RULLI he advised that he could not let her see any of the reports unless Ray SPENCER gave him permission to show them to her because he specifically requested that RULLI not show the reports to her.

During the interview with Shirley we talked about Ray SPENCER'S daughter, Kathryn, and Shirley SPENCER indicated during the entire time we were doing the initial investigation Ray would indicate that Deanne SPENCER had "programmed Kathryn." She advised that she was relieved to know that Kathryn was in therapy. Shirley SPENCER made several statements indicating that the only information she had was what Ray SPENCER had told her and there were a number of times when she knew that he was not telling her the truth because she "caught him in lies."

I talked with Shirley SPENCER about the possibility of my interviewing her son and she indicated that she had thought about it and would like me to do that. She indicated that Matt had Tuesdays and Thursdays when he did not go to school and if possible maybe one of those days would be best. We agreed that she was going to bring him in the following day, which would be Thursday, February 28, 1985.

Shirley SPENCER indicated that she felt certain, based on what her son was saying, that Ray SPENCER had done something to "Little Matt sexually." She also advised me during the last six months there may have been three to four times when she briefly asked her son, Matt, if anything had ever happened to him or if anyone had ever touched him. She advised she had not specifically mentioned her husband when she asked Matt if "anyone had ever touched his bottom or pee-pee." She also advised me that initially when she did ask her son he stated no and did not appear to be concerned about answering her.

Shirley SPENCER advised me that she had never discussed the fact that Kathryn reported Ray SPENCER doing anything to her, and to her knowledge her son, Matt, did not know about that.

Shirley SPENCER advised that last Saturday she attempted to talk to Matt off and on during the day after he became so upset about the visit to the doctor, and also her taking his temperature. She related that Friday night Matt was "so sick and had a fever that she was up with him all night long." She indicated when she told Matt she was going to call the doctor "Matt started screaming and just having a fit, saying, 'Mommy, no, no, I don't want to go to the doctor.'" She advised me that he was screaming so loud she had to hang up the phone. Apparently after that is when she indicated to Matt that she had to take his temperature and she stated to me, "He got even more upset than he was about the doctor and he was just hollering that he didn't want his temperature taken." She indicated to me that she has always taken Matt's temperature rectally and he has never resisted or expressed any discomfort. She advised that she finally told Matt that she had to either take him to the doctor or take his temperature and he finally agreed to let her take the temperature and that's when he started saying, "Put it in really, really slow, Mommy, don't hurt me, Mommy, be careful, Mommy, and take it out really careful, Mommy." Shirley SPENCER advised me that she asked Matt, "Has anybody ever hurt your bottom before, Matt?" and Matt stated to her, "Yah."

Shirley SPENCER indicated, based on what I had said to her regarding how I approached children when I have concerns, that she made a statement to Little Matt about "grownups getting sick and that their thinking gets sick and that makes them touch children." She advised me that she told Matt even "daddies can get sick" and Matt responded, "Yah; daddy is sick." Shirley SPENCER stated she asked Matt if his "daddy had touched him and Matt stated that his father had." She advised me that Matt was really reluctant to say anymore but she did ask Matt if his daddy had touched his pee-pee and Matt stated he did not know. She advised me that it was later when Matt was watching TV that she asked him something and Matt indicated that it did have something to do with "his pee-pee."

Shirley SPENCER advised me that since Matt was a tiny baby he has always taken bubble baths. She indicated there was a time after Kathryn and Big Matt had returned to California when she was getting Little Matt's bath ready that she took out the bubble bath and "Matt had a fit and did not want bubbles." She stated that she said, "What's wrong?" and almost at that

same time her husband was standing beside her and he said that Little Matt was afraid of bubbles. Shirley SPENCER stated to me, "I told Ray, 'what do you mean he's afraid of bubbles? He's never been scared of bubbles.'" Shirley SPENCER indicated that while Matt was watching TV she asked Matt if something happened in the bubbles, and Matt indicated to her that something had. Apparently Matt then made a statement indicating that his face went under the bubbles and also talked about his "daddy's pee-pee standing up." Shirley SPENCER advised me that Matt told her that he had to put his mouth on his father's penis under the water and that that scared him. She also advised me that prior to that Matt had said something about his "daddy's pee-pee being in his mouth and it didn't choke him but his daddy told him that it chokes his mother."

Shirley SPENCER indicated that during that day off and on she would ask Matt questions and if he were doing something else he appeared to be more willing to talk. She advised that she asked Matt where he was when the thing had happened with his daddy and he indicated that he was home. She asked him if the TV was on and he told her that it was not. Apparently Matt made a statement indicating that something happened on the bed and she asked him, "On your bed or daddy's bed?" Matt advised her that it had something to do with his "daddy's bed." She also indicated that Matt talked about something happening when it was light out. Shirley SPENCER stated that her son said to her, "It really hurt me bad, Mommy." She advised that on the evening of the 26th while she and Matt were in bed, Matt was telling her something about something happening when he would have to have his leg up in the air. She advised that he held his one leg up around his neck and told her, "This is where my leg has to be, way back here." Shirley SPENCER indicated she asked Matt where his daddy was and if he (Matt) was on his back and he stated that he was on his back and that his daddy was laying on him, indicating that that's when he did whatever he did that "hurt him really bad " happened. Shirley SPENCER also advised that when Matt was trying to tell what had happened with his father he indicated again that it occurred in bed and that he "cried because it hurt him." Shirley SPENCER advised that she asked Matt what his daddy said and Matt indicated that his father didn't say anything. She stated that Matt then told her, "But he put it in here and it didn't even choke me, but he said when he put it in your mouth it did," She indicated when Matt said that he opened his mouth and stuck his finger

down inside towards his throat. She advised me that she asked him how many times that happened and Matt held up five fingers. She also indicated that she asked Matt if it happened in their brown house where they were living prior to moving into their present residence and Matt indicated that it had not. She stated, "Did it happen in this house?" and Matt indicated that it had.

Shirley SPENCER related that then Matt told her that something had occurred when he "took a bath with his daddy." Shirley SPENCER, advised me that she finally asked Matt if his "daddy had ever touched his pee-pee" and Matt told her that he had.

Shirley SPENCER indicated that when she tried to encourage Matt to talk with her he told her, "You'd be mad at me if I told." She also advised that Matt made the following statements: "That what his daddy did wasn't nice." "That his daddy didn't love God and his daddy didn't love people."

Shirley SPENCER advised me that the last time Matt was alone with Ray SPENCER was on February 16, 1985. She indicated that she had a therapy appointment at 8:00 PM that evening and during the day she and Matt had gone shopping with Ray. Shirley SPENCER indicated that after the disturbance on February 3, 1985 when Ray SPENCER moved out, she has had continuous contact with him, hoping that they could at some point get back together as a family because still she really was not believing that he probably had done anything to Kathryn. Shirley SPENCER stated to me, "He had me convinced that Deanne SPENCER was doing all of this." She indicated that after they had gone shopping and returned to the motel, Ray suggested that she leave Matt there for the evening so that they could spend some time together.

Shirley SPENCER advised me that when she picked Matt up the following she recalled that he just hung on her and the rest of the following day he continued to tell her that he didn't feel good and that his stomach hurt.

Shirley SPENCER advised me that when she was attempting to get her son to open up regarding what had occurred between Ray SPENCER and Matt, there was a time when she and Matt were in bed and she told Matt she would tell him a story if he would tell her a story. Apparently at that time Matt told her, "I want to tell you a story about the place with the high stairs and high TV." She indicated to me that she told Matt she wasn't sure what he was talking

about and said to him, "Do you mean the hospital?" She advised that Matt appeared to be a little upset with her and he said, "No, the motel." Matt then told his mother that he would "tell her the story about the motel." Shirley SPENCER indicated to me that she thought it was easier for Matt to talk because it was dark and she was not looking at her. At that time, apparently Matt told her that his daddy had hit him "here and here" indicating that Ray SPENCER had hit him in the face and chest. When she questioned Matt about that, Matt told her it was because he had been naughty and threw rocks at cars. Matt then advised his mother that his "daddy had hurt him in the stomach, groin and on his bottom." Matt apparently indicated to his mother that is when the "thing happened that hurt him."

During my conversation with Shirley SPENCER I asked her if she noticed any kind of stains on Little Matt's underclothing and she advised that during the past six months Ray has done most of the laundry so she really has not even seen Little Matt's underwear. She also advised that because of her hours she was not even there to help put Little Matt to bed so she did not know if there was every anything on his clothing.

During the time I spoke with Shirley SPENCER we talked about Ray SPENCER and I obtained some background information. I asked Shirley SPENCER if her husband had ever purchased a vibrator or suggested getting one and she indicated before they moved to this house, there was a time when he bought one; however, she objected and she had no idea where it was and did not recall seeing it at all at this house. I asked her if her husband had ever wanted to take nude photographs of her and she advised that he did not.

I asked Shirley SPENCER if she was aware if Ray had any kind of hard core pornography and she advised that he had some kind of pocket books; however, she really had not had the time nor been interested in looking at them, but based on what she saw she felt that they were probably hard core. She also indicated that there was a time when Ray SPENCER went to visit his sister that he took some of those books and gave them to his sister, Peggy, who apparently was living in Port Angeles at the time. In addition to that, Shirley indicated that Ray SPENCER was a collector of books and had apparently talked about his goal was to have a whole room full. I asked her what kind of things he read and she advised that most of his books were about law, detectives, Indian

heritage and medical books. At that time she advised that Ray was "always going to the doctor because he had a lot of aches and pains." She advised that he also had a "PDR and books about drugs."

I asked Shirley SPENCER if she could tell me what happened specifically during the time she had the accident prior to Ray SPENCER taking the polygraph when we were initially involved in this investigation. Shirley SPENCER advised me that from the onset Ray continued to "blame her for everything, telling her that it was her fault because she had not reported this before Kathryn went back to California." She advised that he was always telling her she was sick and needed help and that she was paranoid. She indicated that went on for about a month until she could not hardly handle it anymore. She advised that on the evening the accident occurred she had just walked out of the shower and "Ray started in on her again." Shirley SPENCER stated to me, I felt so bad I just couldn't take it anymore. All I could think about was I had to get out of there, that I was going to go crazy." She advised that she does not even remember anything except that she ran out of the patio doors and apparently went right through the railing of the deck that overlooks the Lewis River and is approximately thirty feet off the ground. She indicated that she was not sure whether or not Ray fell when he ran after her or how, but apparently they both fell off the deck, causing the injuries. Shirley SPENCER advised me that afterward Ray SPENCER told her to say it was an accident, advising her, "This is what we will tell everybody."

Shirley SPENCER advised me, "For a year now all I've heard is that I was sick." She indicated that her husband continued to blame her for a number of things and kept telling her that their problems were her jealousy and that he was not doing anything, advising her that she was just paranoid and "just sick." Shirley SPENCER advised me that Ray SPENCER has had a number of affairs since she has known him and although she didn't want to admit it she was sure at times things were going on. She indicated that he got phone calls from women all during their marriage.

Shirley SPENCER also advised that during the time she has known Ray SPENCER he has continually accused her of having some type of vaginal infection that caused him to get an infection. She stated to me, "Everytime he would get one he would say it was my fault." She advised me, "I

got so upset because I knew I didn't have anything and I told him if he caught anything he must be going to bed with someone else because he wasn't catching it from me." She advised that Ray SPENCER told her that he had talked to their family physician, Dr. NYLAND, and that Dr. NYLAND told him that Shirley SPENCER was the one giving him the infection. Shirley SPENCER advised me that she talked to Dr. NYLAND and he indicated that he had never told Ray SPENCER that Shirley SPENCER was giving him an infection, nor had Ray SPENCER ever even discussed it with him.

Reference the women Ray SPENCER had been having affairs with, Shirley SPENCER talked about a female named "Peggy" who apparently worked at the Holland Restaurant. She also advised that she thought possibly Peggy was a female who had followed Ray up from the Los Angeles area. She also advised that when Ray went to Los Angeles he apparently saw an old girlfriend named Rita and one named Normal. Shirley SPENCER advised me that she found out recently that Ray SPENCER had asked Karen STONE to marry him and also Shirley SPENCER about the same time.

Shirley SPENCER also talked about a female named Andrea. Further, apparently there was some information that Ray SPENCER had gone to bed with Andrea after he had married Shirley. She indicated that Ray admitted to that at the hospital. She also advised me that the first fight she and Ray ever had was over Andrea. She indicated to me at the time the fight occurred she sat on the edge of the bed and asked Ray to tell her about Andrea and he "just blew up."

Shirley SPENCER indicated that she had received three anonymous phone calls from a female subject who gave her the name of a nurse who was a receptionist at St. Joseph's Hospital. The information Shirley SPENCER also got was that Ray was having an affair with this female and she advised that she ended up contacting the woman with the last name of MANZANARAS. Shirley SPENCER told me that she had talked to her; however, she could not remember the woman's address.

Shirley SPENCER made several statements indicating she was extremely confused as to why when she knew for sure Ray SPENCER was not being faithful to her, that he continued to tell her that she was sick because of her jealousy and that it was embarrassing and humiliating to him, that she

would end up apologizing to him and begging at his feet. She stated to me, "I could tell that he had been with other women when he came home by his smell and the way he acted. She said that "there was even one time when he had white stuff on the front of his uniform and down the legs." She also related that there were a number of times when he had something on his clothing that made her believe he had been sexually involved with someone else.

Shirley SPENCER advised that there was a female named Rita who continued to call Ray SPENCER, even after they were married. She indicated once when she was driving the bus for C-Tran she saw Ray SPENCER with another girl and apparently later he advised her that there had been a female whose vehicle was stalled and he gave that person a ride. Shirley SPENCER stated to me, "He always had an answer and for some reason he would end up making me apologize or believing him."

Shirley SPENCER indicated that during the time Ray SPENCER was in the hospital and seeing a therapist she did not feel that was doing him any good. She also indicated that the information she had was that one of the therapists "cried because of all the terrible things that were happening to this man's (SPENCER)." She advised that initially when Ray became depressed he did talk about "eating his gun." She advised me that Ray SPENCER would never let her discuss what was going on regarding the allegations Kathryn was making; however, he was talking to everybody about it.

Shirley SPENCER also advised that although Ray was seeing someone and talking to "everybody about what was going on she was never allowed to see a therapist and really did not have time to because she was working full time and trying to visit Ray in the University of Oregon hospital.

Shirley SPENCER indicated that Ray SPENCER had told her he moved to the Vancouver area because "one reason had something to do with him being transferred in his position in California, the second thing had something to do with a black boss, and the third was to save his marriage." She advised me, "I couldn't understand why he was seeing other women if his purpose was to save his marriage."

She also indicated that there was a time after Kathryn had reported that she asked Ray if he could tell her about Rhonda. She advised me that initially when Ray talked about Rhonda he mentioned she was sixteen

years old and later he talked about her being nineteen and that she had graduated from high school. She indicated that she asked him again if he could tell her about Rhonda and that he "blew up and told her it was all Rhonda's fault."

Shirley SPENCER indicated when Ray was involved in counseling at the hospital he told the counselors that she wouldn't go to counseling. She advised me that was not true, she just did not have the time with working and visiting him, and he knew that. She advised me that Ray would "get really depressed and talked about blowing his brains out." Shirley SPENCER indicated to me that Ray would be so depressed and down that she would be extremely worried and then if one of his friends would show up at their house "he would rally instantly and act like nothing was wrong." She indicated it was extremely hard for her because she would worry so much about his mental state, and in seconds he was out of it and she was "scared to death."

Shirley SPENCER advised me that after Kathryn had reported the initial allegations of abuse, and after I had talked with Karen STONE the first time, Ray and Karen STONE had close contact. She indicated that Karen STONE had two children, a boy named Brent who is approximately nine years old, and a girl named Brenda who is approximately sixteen years old. She also advised that Brent has gone hunting with Ray and that he seemed to be close; however, there was no indication that Ray had done anything to either of Karen's children.

Shirley SPENCER indicated that Ray's sister, who was living in Port Angeles, moved to Los Angeles in June or July and was living with Ray's other sister. Shirley SPENCER indicated that Ray's sister, Liz, called her and talked with her and apparently "told her if she didn't get back with Ray it wouldn't look good when it went to court." She also advised me that Leo CLARK had called her and during that conversation had upset her. He indicated that he didn't feel any kind of therapy was going to do any good. He thought they should see a marriage counselor because he was not believing that Ray had ever done anything.

Shirley SPENCER talked about the incident that had occurred on Little Matt's birthday, February 20th. She stated to me, "After working with him for three weeks trying to get us back together as a family, the

first thing he did was walk into the house and as soon as he saw the guns were gone from the cabinet he was screaming over and over about his 'fucking guns' and that he wanted them." Shirley SPENCER stated to me, "He was saying all kinds of things in front of Little Matt and I just couldn't understand what he was doing."

Prior to terminating my interview with Shirley SPENCER on 02-27-85 I made arrangements for her to bring her son to the Clark County Sheriff's Office on the morning of the 28th for the purpose of my interviewing Matt regarding the concerns that he had been sexually involved with his step-father, Ray SPENCER.

DATE & TIME:	02-28-85	0930 hours
INCIDENT:	Interview with Matt HANSEN	

With the permission of Shirley SPENCER the interview with Matt was done in an interview room located in the Detective Unit of the Clark County Sheriff's Office with only Matt and I present.

During the initial part of my conversation with Matt we talked about general topics. We talked about Matt's school and what he did in school; we talked about things he liked to do and at one point Matt and I practiced writing his name, my name and his mother's name. I indicated to Matt that I was a policeman and at one point I told him that I was a policeman because I liked to help people; however, sometimes we needed people to help us and a lot of times people who helped me were children. I told Matt that I wanted to talk to him because maybe he would be able to help me, too.

Matt appeared to be very verbal and there was no question that he was understanding what I was talking to him about. I indicated to Matt that sometimes I talked to children whose private parts had been touched by someone. I asked Matt if he knew what private parts were and shook his head, indicating that he did. I asked him if his nose would be a private part and he shook his, smiled and indicated that it wouldn't be. I asked Matt if his elbow would be a private part; he indicated it wouldn't. I asked him if his knee would be a private part; he indicated that it wouldn't. I asked him if his bottom

would be a private part and at that time Matt shook his head and stated, "Yes, that's private."

I indicated to Matt that sometimes it was hard for children to tell their moms and dads things and a lot of times I asked to talk to children alone, then indicated to Matt that it was nice for him to come and help me. I asked Matt if he knew why he was at my office and he told me that he did not. I told Matt that I wanted to talk to him because of some of the things he had said to his mother. I then stated to Matt, "Some of the things you said to your mom make me wonder if maybe your private parts were touched by someone." At that time Matt shook his head and I asked him if anyone had ever touched him and Matt shook his head again and stated, "Yah." I asked him who had touched him and Matt stated, "My dad." I asked Matt if he had ever told anybody about what his dad did and Matt stated, "Well, I told my mom." I asked Matt what his daddy's name was and Matt stated, "Ray SPENCER." I asked Matt what part of him got touched and at that time I observed Matt point between his legs where his penis would be. I asked Matt what he called that part of his body that got touched and Matt stated, "I call that a pee-pee."

At that time I indicated to Matt because we were going to be talking about bodies it was important for me to know what he called parts so he would know what I was talking about and I would know what he was talking about. With the aid of a cartoon drawing, Matt HANSEN then indicated that he called breasts on a body "titties," the navel a "telly button," the buttocks a "bottom," and the penis on a male body a "pee-pee" or "wiener." When I placed a dot on the cartoon drawing where the genital area of a female body would be I indicated to Matt that girls' bodies were different than boys' bodies and asked Matt if girls had "pee-pees." Matt stated, "Not the same." I asked Matt what he would call the front part of a girl she went to the bathroom from and Matt indicated that "he didn't know what to call it." I told Matt that girls went to the potty from that part of their body and asked if I talked about a girl's "pee-pee" would he know what I was talking about and Matt indicated that he would."

I asked Matt again if he could show me on the cartoon drawing about what he had told his mother. At that time Matt pointed to the line on the cartoon drawing where the penis would be on a male body and stated, "My

pee-pee." I asked him what happened about his pee-pee and Matt stated, "My dad touched it." I asked him what his dad touched it with and Matt stated, "With his hand." I asked Matt where he was when that happened and Matt stated, "At my house." I asked Matt if he could remember how old he was when that happened and Matt held up four fingers and stated, "Four." I asked Matt if it happened after he was four and Matt stated, "No, before my birthday."

I asked Matt how many times something happened like what he had told me and Matt sat for several seconds, then stated, "A lots." When Matt made that statement he held up all of the fingers on his right hand. I asked Matt if he could remember why he wasn't able to tell his mother before and Matt stated, "A dream, but it wasn't a dream." I asked Matt if he ever had a dream about anybody else touching his "pee-pee" and Matt stated, "No, and it wasn't a dream, just my daddy touched my pee-pee before."

I asked Matt if anything ever happened that hurt him and at that time Matt pointed to the line where the penis would be again and stated, "It hurts that part." I asked Matt where he was when that happened and Matt indicated again that he was "at his house." I asked Matt if anything else happened and Matt stated, "He makes me touch his pee-pee with my hand." I asked Matt if he could tell me what hurt his pee-pee and Matt stated, "It hurts when my dad touches my pee-pee, that's what." I asked Matt what his daddy made him touch his pee-pee with and Matt stated, "He makes me touch it with my hand."

At that time I stated to Matt, "Your momma told me that there might have been something about the bubble bath that you didn't like." Matt stated to me, "Yah, I didn't like it because he hurt this." When Matt made that statement he pointed to the penis on the cartoon drawing. I asked Matt what made him hurt there and Matt stated, "Well, my dad just touches it too hard." I asked Matt how old he was when that happened and Matt stated, "I was four."

At that time I stated to Matt, "Matt, does your daddy kiss you, like on the nose?" and Matt pointed between his legs to the area of his penis and stated, "He kisses my pee-pee." When Matt made that statement he wrinkled his nose as if he were describing something that was distasteful to him. I indicated to Matt that it was important to remember anything he could because if something happened we didn't like it made us feel better to talk about it. When I finished making that statement Matt stated to me, "Sharon, and

he makes me kiss his pee-pee, you know that." I advised Matt that it was okay for him to tell me and that it wasn't his fault if those things happened. It was important that he was able to tell. I asked Matt where he was when that happened and Matt stated, "At my house." I stated to Matt, "Like was it in the yard or where?" Matt stated, "No, it was in the house." I asked Matt what part of the house and Matt stated, "Once in the bathroom." I asked Matt if he was "standing up or what when that happened" and Matt stated, "He was sitting down." I asked Matt what he was sitting down on and Matt stated, "We were in the tub, both of us." I asked Matt if he could tell me about what happened in the tub and Matt stated, "He made me kiss his pee-pee under the water and it really scared me and it really hurt me."

I assured Matt again that it was okay and he was not in any trouble. Matt appeared to be embarrassed; I noticed that his face was flushing and I talked to him for several seconds about how important it was to tell if something happened to you and that it was okay to tell, and for him not to be embarrassed. Matt then stated to me, "I had to do something to this, too." At that time Matt pointed to the area of the cartoon drawing that he described was the "bottom." I asked Matt what happened to that part and Matt stated, "I had to touch it with my hand." I asked Matt, "Now what do you call that part?" and Matt replied, "That's his bottom." I asked Matt again what he had to touch that with and Matt said to me, "I had to touch it with my hand and I don't like that." I indicated to Matt that I could understand why he wouldn't like that and then asked Matt, "What did your daddy have on when that happened?" and Matt stated, "We didn't have nothing on and I had to take my clothes off." I asked Matt where he was when that happened and Matt stated, "Downstairs at my house." I asked Matt if he could remember where his mother was when it happened and Matt stated, "She was at work."

At that time I indicated to Matt that we had already talked about something hurting and I wondered if anything else happened that hurt his body and Matt stated, "His hand really hurts my pee-pee." I asked Matt if he could remember anything that his daddy would say when those things happened and Matt stated to me, "He doesn't say anything." I asked Matt if he ever said anything and Matt stated, "No, I just always cried, cause that really hurts me." I told Matt that I was sorry that that had happened to him, and I was

sorry that it hurt him, and at that time Matt stated to me, "And he hurt my bottom, too." I asked Matt who hurt his bottom and he stated, "My dad, Ray SPENCER. He puts his finger in my hole." I asked him where he was when that happened and Matt stated, "We were in the living room and in the shower, and in my mom's room." I asked Matt where his mother was when that happened and Matt stated to me, "Mostly when he does things my mom is at work."

I asked Matt if anything else happened to his body that he wanted to talk about so it would not be "bugging him" and Matt stated to me, "Well, he does something else to me." I asked Matt if he could tell me what the something else was and Matt stated, "He puts his pee-pee in my bottom and that really hurts and that makes me really cry." I asked Matt where he was when that happened and Matt stated, "In the shower." I asked him where the shower was and Matt stated, "At my house and it happens upstairs, too." I asked Matt who was upstairs when that happened and Matt stated, "Just me and my dad, and my mom was at work when it happened." I asked Matt what happened upstairs and Matt stated, "That's when he hurts my bottom side with his pee-pee, and he made me touch his bottom side, and he made me touch his pee-pee, too." I asked Matt what he had on when that happened and Matt stated, "I never have nothing on because he makes me take my clothes off."

I asked Matt if he ever saw anything come out of his daddy's pee-pee and Matt stated, "Yes, pee." I asked Matt if his daddy's pee looked like his pee and Matt stated, "No." I asked Matt what color his daddy's pee was and Matt stated, "It's white." I asked Matt where his daddy's pee goes when it comes out and Matt stated, "His pee goes in the toilet." I asked Matt if the pee ever went any place besides the toilet and at that time Matt stated, "Sometimes it gets on the floor and sometimes it gets on my hand and I have to wipe my bottom off with a paper towel when he gets it on my bottom."

I asked Matt if anything ever happened with his body anywhere besides at his house. Matt shook his head, indicating that it had. I asked Matt if he could tell me where something else happened and Matt stated, "At the motel." I asked him who was at the motel and Matt stated, "Just me and my dad cause my mom wasn't there." I asked him if he could tell me about what happened at the motel and Matt stated, "Well, he touched my pee-pee in the bathroom and then he put his pee-pee in my bottom." I asked Matt where he was

when his daddy put his pee-pee in Matt's bottom and Matt stated, "Well, I had to sleep with him and he kissed my bottom and he kissed my pee-pee, too."

At that time I indicated to Matt that I had dolls that had pee-pees and asked Matt if I got the dolls if he could show me about what happened with his daddy. Matt indicated that he could and at that time I got the anatomically correct dolls, which include one adult male doll, one adult female doll and one child female doll. I held up the male doll and asked who that was and Matt stated, "That's me." Matt then looked at the other two dolls and stated, "Those are girls so this is my dad (he held up the male doll again)." I asked Matt if he could tell me with the dolls what happened in the bathtub and at that time Matt sat the male doll upright and indicated that that doll was "going to be him." Matt then picked up the adult female doll and sat it facing the male doll and stated, "This will have to be my dad because I don't want to be this one." Matt then bent the head of the male doll down to the genital area of the female doll and stated, "This is what he did." I asked Matt what part of him touched his daddy in the tub and Matt stated, "That's when I had to put my mouth on this." At that time Matt pointed to the penis on the male doll and then as he lifted the penis up in an erect position, Matt stated to me, "But his pee-pee sticks up like this and that make it hurt my mouth." I asked Matt what his daddy called a pee-pee and Matt stated, "I think he might call it a wiener."

I asked Matt if his daddy ever said any bad words when he was around him and Matt stated, "He says mostly mean, bad words." I asked him if he could remember any of the words and after Matt thought for a few minutes he advised me that "he forgot."

I asked Matt if he could show me what else happened with his daddy and at that time Matt indicated to me that the chair in the interview room was going to be "the bed." Matt placed the male anatomically correct doll on the chair, face up with the legs hanging over the edge. Matt then picked up the female doll and placed the head of the female doll on the penis of the male doll. I asked Matt who the female doll was and he stated, "This is gonna be my dad again, and this is me (pointing to the male doll)." I asked Matt what his dad was doing and Matt stated, "This is when he was kissing my pee-pee." I asked Matt where the bed was and Matt stated, "At the motel." I asked Matt if anything else happened at the motel and at that time Matt placed the hand of the

female doll on the penis of the male doll and stated, "He touched this with his hand, too." I pointed to the penis on the male doll and asked Matt, "Now, what do you call this?" Matt stated, "I call that my pee-pee."

I stated to Matt, "Now, what happened to your pee-pee at the motel?" Matt stated, "He touched my pee-pee with his hand and his mouth at the motel." I asked Matt if anything else happened at the motel and Matt stated to me, "He hurt my bottom there, too, with his pee-pee." I asked Matt if he could show me how that happened and at that time I observed Matt turn the male doll over, placing it face down with the legs still extending over the edge of the chair, and Matt placed the female doll lying on top of the male doll. Matt stated to me, as he pointed with his finger to the buttocks of the male doll, "He puts his pee-pee in this hole."

At that time I asked Matt if he ever saw his daddy touch any other children's body and Matt stated, "He touched my best friend's body." I asked Matt who his best were and Matt stated, "They're Big Matt and Kathryn."

I asked Matt where Kathryn was when that happened and Matt stated, "On my dad's bed." I asked him who else was there and Matt stated, "My dad was there and that's when he did it to her, and Kathryn cried, too." I asked Matt if he could remember where his mom was when that happened and Matt stated, "My mom was at work." I asked Matt if he could show me what happened to Kathryn and at that time he picked up the female doll and I observed him carefully placing the penis of the male doll in the vaginal opening of the female doll and at that time Matt stated, "You have to put this all the way in and that's what he did to Kathryn." I asked Matt if anything else happened to Kathryn and Matt turned the female doll over and placed the penis on the buttocks of the female doll and stated, "And his pee-pee was like this in her bottom and that hurts her too, and she cries just like me when it hurts." I asked Matt where that happened and Matt stated, "In my house." I asked Matt how many times he saw that happen to Kathryn and Matt stated, "It happened lots of times."

I asked Matt if he ever saw his daddy do anything to anyone besides Kathryn and him and he stated, "My dad puts his finger in Big Matt's bottom, just like he does to me." I asked Matt where he was when that happened and Matt stated, "At my house." I asked him if he ever saw anything

else happen to Big Matt and Matt stated to me, "My daddy puts his pee-pee in Big Matt's bottom and that hurts Big Matt and he cried, too."

Matt then began talking with me again about having to touch his father's penis and I asked Matt if his father asked him to touch it in any special way. Matt stated to me, "He just tells me to move my hand and I had to."

I asked Matt if his daddy ever said anything about telling and Matt stated, "He said if I told he would do it again."

At that time I indicated to Matt that I wanted to try to figure out when things were happening so I would know for sure and asked Matt if he could tell me again the last time something happened with his daddy. Matt thought for several minutes and then stated, "Oh, yah, at the motel, I think." (During my interview with Shirley SPENCER she indicated that the last time Matt was alone with Ray SPENCER was on the evening of February 16th when Matt spent the night with Ray at the Salmon Creek Motel.) I drew on a sheet of paper a sun and below that drew three stick figures, indicating to Matt that that was the summer time when Kathryn and Big Matt visited him, and on the other end of the paper I drew a square with windows, stating, "This is a motel." I said to Matt, "This is the summer time when Kathryn and Big Matt visited you," pointing to the area around the stick figures. I asked Matt, "Did it happen after the motel?" and Matt stated no, that it hadn't. I pointed to the area where the stick figures were and stated to Matt, "This is the summer time when Big Matt and Kathryn were visiting you. Did something happen then?" Matt stated, "Yah, that's when he was doing it to Big Matt and Kathryn and me." I asked Matt where he was when that happened when Kathryn and Big Matt were visiting and Matt stated, "The same thing, mostly in my mom's bedroom when she was at work." I asked Matt what he had on and he indicated again that both he and his father were naked. I told Matt to think about what had happened during the summertime when Kathryn and Big Matt were visiting and asked him if he could tell me what happened with his daddy. Matt stated to me, "Just the same things. He puts his pee-pee in my bottom and he makes me kiss his pee-pee and he kissed my pee-pee." I asked Matt if the "bubble thing in the bathtub" happened when Big Matt and Kathryn were visiting and after thinking for several minutes Matt stated, "No, cause they

went home." I asked him if that was after the motel thing and Matt stated, "No, that was before."

In my discussion with Shirley SPENCER she indicated that the time that Matt appeared to be so frightened of the bubble bath was after Kathryn and Big Matt had returned to their mother's in Sacramento.

I pointed to the drawing again and stated to Matt, "This is before Big Matt and Kathryn came to visit you," pointing to an area in front of the three stick figures and then asked Matt, "Did anything ever happen to you before Kathryn and Big Matt came to visit?" Matt shook his head and stated, "He did it then, too." I asked him where he was when that happened and Matt stated, "At my house." Matt then took my pencil and drew on the paper towards the bottom of the page. I asked Matt what he was drawing and Matt stated, "This is God and my daddy doesn't love God cause that's why he does that to us."

At that time Matt indicated that he was tired and "he didn't want to talk about it anymore cause he was tired." I advised Matt that I was also tired and asked him if maybe we could talk some other day about what else he remembered. Matt indicated that he would come back to talk to me; however, he "sort of forgot what else happened, now."

At that time the conversation with Matt was terminated, and after I spoke with Matt I spoke with Shirley SPENCER alone while Matt colored. During that conversation I advised Shirley SPENCER of the specifics regarding what her son had told me. After we talked and Shirley SPENCER was able to compose herself, she and I went into the room and in Matt's presence I indicated to him that I had told his mother everything we talked about and that I wanted to make sure that I didn't forget anything. In Matt's presence I repeated in front of his mother the specifics regarding what he said had occurred.

This investigation is pending.

# EXHIBIT Z

Declaration of Kathleen T. Zellner in  
Support of Plaintiff's Response to  
Defendant's Renewed/Second Motions  
For Summary Judgment (C11-5424BHS)

CLARK COUNTY SHERIFF'S OFFICE, WASHINGTON  
UTILITY REPORT

CASE #84-8506  
SUPPLEMENTAL RPT

FIRST DEGREE STATUTORY RAPE, RCW 9A.44.070

LOCATION OF INCIDENT: 17681 NE Lucia Falls Road, Yacolt, Wa.

DATE OF INCIDENT: Between 07-14-84 and 08-26-84

DATE & TIME: 10-16-84 1750 hours

LOCATION: Holiday Inn, Room #135

5321 Date Avenue

Sacramento, California 95841-2597

INCIDENT: Interview with Victim

VICTIM: SPENCER, Kathryn E. dob: 01-13-79

aka: Kathy

aka: Katie

3930 Becerra Way

Sacramento, California

phone: (916) 482-6057

SUSPECT: SPENCER, Clyde Ray dob: 01-09-48

aka: Ray SPENCER

17681 NE Lucia Falls Road

Yacolt, Washington

phone: 687-1407

Work phone: (206) 696-8292

SUMMARY:

On the afternoon of 10-16-84, Katie accompanied me to the Sunrise Mall located in Sacramento so that I could purchase a coat for myself as I had not taken one, assuming the weather in Sacramento would not

necessitate my needing one. I met with Katie briefly the evening before and felt that the shopping trip would give us time to get acquainted because I wanted to conduct the interview with Katie at a location where she and I could be in private. Deanna SPENCER is employed and at the present time her step-sister, Patty OWENS, baby sits for the SPENCER children. OWENS also brings her five year old daughter to Deanna SPENCER'S residence, and I did not feel that Katie and I would have any privacy at that location.

While we were at the mall, and at a time when Katie and I were resting, I indicated to her that I lived in Vancouver, Washington. Katie immediately stated, "I've been there to visit my dad." I asked Katie if she could guess what my job was and after she made several guesses I told her that I was a policeman. At that time Katie told me that "her daddy was a policeman, too" and she asked me if I knew him. I told her that I did know him and had talked with him and Shirley. At that time I advised Katie that was the reason I had come to California, so that I could talk to her. I indicated to Katie that when I talked with Shirley in Vancouver, Shirley told me that Katie had shared some things with her in private and that's what I wanted to talk to Katie about. Katie stated, "You mean about my daddy?" I answered, "Yes," and Katie stated, "I don't want to talk about that anymore." I indicated to Katie that it was very important that she talk with me and that I needed to talk to her. Katie stated, "You can talk but I don't want to." I advised her that would be okay and we finished the shopping.

When we were done shopping I advised Katie that I was thirsty and we both sat in the middle of the mall and drank a cold drink. I wanted an opportunity to suggest to Katie that we go to the motel where we could talk in private. While we were drinking our pop, I asked Katie if it would be all right if we went back to where I was staying so that we could talk privately with no one else around. Katie stated, "About what I told Shirley?" I advised her that was what I wanted to talk to her about. At that time she appeared to be embarrassed, her face flushed and she stated, "I'd listen to you there but I just don't want to talk about that anymore. Could you just talk to Shirley cause she could tell you?" I indicated to Katie that Shirley did tell me some things but it was important that I talk to her (Katie). Katie indicated

that she wanted to go to my motel where I was staying and she "would think about it but it would be okay if I wanted to talk about it to her."

At no time during the time we were en route to my motel or after we had arrived did Katie ever appear to be uncomfortable with being alone with me nor did she express any reluctance whatsoever.

When we first arrived at the hotel, Katie indicated she wanted to see the rest of the building and we walked through the lobby, restaurant/coffee shop and pool area. When we were in the area of the coffee shop Katie indicated that she was cold from being out in the rain and wind and she "wished she had a cup of hot chocolate." Katie and I stayed in the coffee shop long enough for her to drink a cup of hot chocolate and I drank a cup of coffee. After we finished our drinks we returned to my room where Katie immediately upon entering the room turned on the TV and removed her shoes.

While Katie and I were at the mall, I wrote in a small notebook reference questions I asked Katie and statements she made to me relevant the sexual issue. When she asked me why I was writing I indicated to her that it was hard for me to remember things sometimes if I didn't write them down. Katie appeared to be comfortable with my writing during the entire time I was with her.

Shortly after we got back to my room, Katie lay on the bed facing the TV and then told me to "go ahead and set down if you'd like." (At that time she patted the bed with her hand beside where she was lying. Katie then stated, "You can talk about it if you want to, but I don't like to talk about that." Katie also reminded me to "get something to write on while we talk." At that time I asked Katie what it was that she didn't want to talk about and she stated, "I don't want to talk about my dad and I don't want to talk about my step-mother." I indicated to Katie again that it was very important that I talk with her because of things Shirley had said to me. Katie stated, "I like my step-mother. She is a really nice person." Katie then stated to me, "Did you still want to talk about my step-mother, Shirley?" I advised her that I did. At that time she stated to me, "Well, I can talk a little bit about it but I don't want to." I assured her that it was okay to talk about "it" and indicated to her that she was not in any trouble. It was just very, very important that she tell me the truth while we were talking. Katie stated,

"My mother always tells us it's best to tell the truth." I asked her what happens if someone tells a lie and Katie stated, "They get into trouble, I guess." I asked her if she ever told a lie and Katie stated, "Yes, and that's when I get into trouble." I advised her again that it was important for her to tell me just what was true when we were talking, and Katie assured me that she would.

At that time I asked Katie if she could tell me what happened and Katie stated, "I had to tell my step-mother, Shirley, because she had to know, huh?" I asked her how she felt about Shirley and Katie stated, "Oh, she's really nice and I really like her and she has pretty blonde hair." Katie then stated, "Blonde hair is my favorite color." Katie then asked me if I thought Shirley was nice and I advised her that I did. She then stated, "Do you think my daddy is nice, too?" I advised her that I thought he was nice also. Katie stated, "That wasn't nice what he did, though." I asked her if she could tell me about that and she stated, "I don't know yet but I did something that wasn't nice, too." I asked her if she could tell me about that and indicated that she was not in any trouble and told her that it was just important to tell me about what happened. Katie stated, "Sometimes it's hard to tell the truth, but I know I have to because that's what my mom always tells me and Matt to do. She tells us just to tell the truth because that's best." I indicated to her that I also thought it was always best to tell the truth, and in this case it was very, very important.

I stated to Katie, "Can you tell me where you were when it happened?" Katie replied, "Up at my dad's." I asked her where her daddy lived and she stated, "My dad and my step-mother, Shirley, and her son, little Matt, live in a house by the river." I indicated to Katie that I was glad she was going to talk to me because Shirley might not have remembered something that was important for me to know. Katie stated, "I don't care if I talk to girls about this but I don't want to discuss this with any boys, because they'd just probably laugh." I asked her if she talked to Detective FLOOD about this and she stated, "I'm afraid not. He's a man, remember, and I don't wanna talk to men or boys about this."

Katie then asked me, "Did Shirley tell you what I did to her?" I advised her that I was not sure and asked her if she could tell me

so I would know for sure. Katie stated, "I know it wasn't nice for me to do it but I don't know why I did it, and it happened." I asked Katie if she could tell me sort of what it was about and she stated, "I rubbed her where I should not have." At that time I also noticed that Katie appeared to be embarrassed with her face flushing again and she pushed her face down into the pillow she was lying on. I asked Katie if what had happened with Shirley had anything to do with Shirley's body and with her face still buried in the pillow Katie nodded her head yes.

I indicated to Katie that she did not have to be embarrassed because we were both girls and that it was okay to talk about bodies if you had to. At that time I indicated to her that because we were going to be talking about parts of the body it was important for me to know what she called things so she would know what I was talking about and I would know what she was talking about. With the aid of the attached cartoon drawing, Katie indicated she called the navel a "belly button," the breasts on a female body "boobies," the buttocks a "butt," the genital area of a female body a "pee-pee," and the penis on a male body a "wiener." After Katie had identified the body parts I asked her to point to the parts as I repeated the terminology she had used. The red markings on the cartoon drawing were done by Katie. When she pointed to the specific area I mentioned she would scribble on that area of the cartoon drawing. Katie also colored the eyes, mouth, hands and arms with the red pen.

After Katie and I discussed the cartoon I stated, "Do you remember we were talking about Shirley. Could you tell me about that?" Katie nodded her head yes. I asked her where she was when that happened and she stated, "Up at my dad's." I asked her how old she was when that happened and she stated, "I was five. My birthday is January 13th." I asked Katie where she was at her dad's when that happened and Katie stated, "At the house by the river." I asked her if she was in the yard or where, and Katie stated, "It was when we were sleeping in the living room." I asked her who was there and Katie stated, "Little Matt and Big Matt, but they were asleep." I asked her who else was there and she stated, "Just me and my step-mother cause my dad was at work." Katie then stated, "We slepted on the floor and that's why we were in the living room." I asked Katie if she could remember what Shirley had on and

Katie replied, "She had on her robe." I asked her if she could remember what she was wearing and Katie stated, "I was just wearin' my jammies."

I asked Katie if she could tell me what happened then and again Katie stated, "Sharon, I don't like talking about it." At that time Katie buried her face in the pillow again and was shaking her head back and forth in the pillow. I indicated to Katie that I had brought dolls with me that had private parts like "pee-pee" and "boobies" on them and asked Katie if I got the dolls if she would be able to show me what happened. Katie immediately raised her face off of the pillow and indicated that she would get the dolls. I indicated to Katie that the dolls were in a sack in my suitcase and she brought them to where I was sitting. The first doll Katie took out of the sack was the anatomically correct child female doll. I asked Katie if she could tell me whether that was a boy or a girl doll and she immediately stated, "Well, this is a little girl." When I asked her how she knew it was a little girl she pointed to the area where the breasts would be and stated, "She has little boobs." Katie then pointed to the genital area of the doll and stated, "When girls and boys get big they get hair here and children like me don't have hair yet." I told Katie to take out another doll and at that time she took out the adult female doll. I asked Katie if that doll was a boy or a girl and Katie stated, "This is a lady because she has big boobs and hair." Katie then brought out the anatomically correct male doll and I asked her if that doll was a boy or girl. Katie stated, "This is a daddy doll because it has a wiener and hair." Katie then asked me if the black markings on the chest of the doll were also hair, and I advised her that they were.

At that time Katie laid the adult male doll down on the bed and picked up the female adult doll. Katie pointed to the pink area where the nipple on a breast would be and stated, "My step-mother told me strawberry stuff is there." I asked her if she could explain that to me and she stated, "I don't know how to explain it. She just told me that was strawberry stuff there."

I picked up the male doll and at that time pointed to the penis on the male doll and asked Katie, "Now, what do you call this?" Katie stated, "It's the same as this (pointing to the line drawn down between the legs of the cartoon drawing where a penis would be on a male body), wiener." At

that time I stated to Katie, "Boy's wieners hang down like this (with the penis laying against the body of the doll)." Katie stated to me, "No, sometimes they stick up like my dad's sticks up and gets hard sometimes." At that time I pretended to be surprised and stated, "Oh, could you show me with the doll how that happens, Katie?" Katie took the male doll from me and at that time I observed her lift the penis up on the male doll so it was extending out and slightly upward and Katie stated to me, "And it grows, too." I asked Katie how she knew that and she stated, "Because I saw it." I asked her where she was when she saw that and she stated, "At the house by the river." I asked her who was there when she saw that and Katie stated, "Just me and my daddy." I asked Katie what her daddy had on and Katie whispered, "Nothing."

Katie then stated, "Let's talk about my step-mom, Shirley." I asked Katie if we could talk about her daddy later and Katie looked at me and shook her head in a no response, then buried her face in the pillow again. I indicated to Katie that was okay, that we could talk about Shirley and she could think about whether she wanted to talk to me about her daddy while we were doing that.

Katie lifted her head and at that time instructed me to get the other pillow behind me because "we needed a bed." I handed Katie the second pillow and at that time she laid the anatomically correct male doll on the pillow and laid the adult female doll beside the male doll. I asked Katie who the female doll was and Katie stated, "This will be Shirley." I pointed to the male doll and asked who that was and Katie stated, "This is Ray." Katie then stated, "Moms and dads should sleep together, shouldn't they?" Katie then placed a small toy doll she had brought with her on the second pillow and stated, "This is me." I asked Katie, "What do you have on?" and Katie stated, "My jammies." I asked her what the adult male and female dolls were wearing and Katie stated, "They don't wear jammies, they just wear robes." I pointed to the pillow where Katie had placed the small toy doll and asked Katie, "What is this?" Katie stated, "That's my bed." I asked her where her bed was and Katie said, "It's in the other room, and this is my step-mom and dad's room." Katie then picked up the toy doll and replaced it with the anatomically correct child doll and stated, "This will be me and this will be Little Matt." (Katie placed the toy doll beside the child female doll, indicating that the toy doll was

going to be Little Matt.) I asked Katie where Big Matt slept and Katie stated, "We'll have to pretend because Big Matt sleeps on the high bed and Little Matt sleeps with me."

I asked Katie if she could tell me about what happened with Shirley and Katie stated, "We need a living room." Katie then jumped off the bed and brought a plastic sack back to the bed, indicating that that would be the living room. Katie then picked up the two female dolls, the adult and child dolls, and stated, "These two dolls are going to be us girls." I asked her which girls, and Katie stated, "Me and my mom, Shirley." I asked her what the girls were doing and Katie stated, "They're in the living room when it happened." Katie then picked up the adult male doll and the toy doll and placed them off to the side, stating, "This will be Little Matt and this will be Big Matt because my dad's at work." I asked Katie if she could tell me what happened then and at that time I observed Katie put her face down in the pillow again and she stated, still with her face in the pillow, "Shirley got touched." I asked Katie who touched Shirley and still with her face in the pillow, Katie stated, "Me." I asked Katie what Shirley had on and Katie stated, "Shirley had on a robe." I asked Katie if she could show me with the dolls what happened with Shirley and advised her that it was okay and reminded her that we were alone and talking privately. Katie lifted her head off of the pillow and at that time she placed the hand of the child female doll on the breast area of the adult doll and made a rubbing motion. Katie's face was flushed again and she put her head back on the pillow. I talked to her for a moment again, indicating that it was okay and stated to Katie, "Did Shirley have on her robe?" Katie stated, "Yes, she did but I touched her on the skin." I stated, "On the skin?" and Katie replied, "Yah, like on that pink part where the strawberry stuff is."

I asked Katie, "Did anything else get touched?" and in a whisper Katie stated to me, "The pee-pee got touched, too." I asked her if she could show me with the dolls and at that time she placed the hand of the female child doll on the genital area of the adult female doll and made a rubbing motion with the hand. I asked Katie if Shirley said anything when that happened and Katie put her face back in the pillow and made a statement that I could not understand. I indicated to her that I couldn't understand and asked

her if she could tell me what Shirley said. Katie lifted her face off the pillow and was covering her eyes with her hand and stated, "She didn't like that."

I asked Katie if she and Shirley talked about anything else and Katie stated, "No." I indicated to Katie at that time that I thought Shirley had mentioned something about she and Katie talking at the beach. Katie stated, "Oh, yeah, we did. The boys were looking for feathers in the sand and me and my step-mother talked." I asked her where her daddy was and Katie stated, "Daddy was at work." I asked her who was at the beach and Katie stated, "Little Matt, me and my step-mom and Big Matt." I asked her if she could tell me what she and Shirley talked about.

At that time Katie turned over facing the window with her back to me and laid for several minutes without saying anything. I told Katie that sometimes it was hard to remember things and told her that I would give her time to think about it. After approximately three or four minutes I asked Katie if she was able to talk to me, and still with her back to me Katie stated, "Shirley and I talked about a secret." I asked her why it was a secret and she stated, "Cause my daddy told me not to tell anyone." I asked her if she could tell me about the secret and again Katie laid for several minutes with her back to me not saying anything. When I finally asked her if she remembered, Katie stated, "It was a secret about my daddy's wiener." I asked Katie if she could tell me about that and again Katie laid for several minutes without saying anything. When I asked her if she could tell me now, Katie stated, "My dad's wiener was sticking up." I asked her where he was when that happened and Katie laid for several seconds without saying anything, still with her back to me, and she then stated, "At the house by the river."

I asked Katie how old she was when her "daddy's wiener was sticking up" and at that time Katie raised her hand and held up five fingers, stating, "Five." I asked Katie if she could tell me more about that and Katie shook her head no. I asked her if she would like to think about that for awhile and she did not respond. I let Katie lay there for several minutes with her back to me and then I indicated to her that maybe it would be easier for her to show me with the dolls.

Katie laid very quietly for several minutes and then raised up and picked up the child female doll in her hand and I asked her who that doll was. Katie stated, "This is me." I stated to Katie, "Then what happened?" Katie hit the male doll with the child female doll and stated to me, "Put him over here." I picked up the male doll and stated, "Do I put his face down on the pillow?" and Katie stated, "No, put him on his back." At that time Katie placed the child female doll on top of the male doll, so they were facing each other, and in doing so she was careful to line up the genital area of the female doll against the penis of the male doll. I pointed to the male doll and asked Katie, "Who is this?" and Katie replied, "That's my daddy and that's the secret." Katie then buried her face in the pillow again and I tried for several seconds to get her to talk, but she would not respond in any way. Finally, I stated to Katie, "Is that what happened?" and Katie stated, "Yes, and that's bad."

I told Katie again that it was okay to tell and asked her if she remembered if she had told anyone and Katie stated, "I told my step-mom, Shirley, cause she had to know." I asked Katie if she knew why that happened and Katie stated, "Cause my daddy was being bad."

At that time I indicated to Katie that sometimes people did things that were not good to do because they were bad, but sometimes people did things they weren't supposed to do because they were sick and needed help. I indicated to Katie when a grownup person touches a child's body in a way that they shouldn't, it was probably because the grownup person was sick and needed help. I indicated to her that it was a different kind of sick than like when we got stomach aches or had the flu. It was like the grownup's person's thinking was sick. I indicated to Katie that when a grownup person touched a child where they weren't supposed to be touched it was wrong, and that the only way we could make sure that it didn't happen again was to get the big person some help. Katie stated, "My daddy's thinking is sick." I told Katie that that was why it was important for us to talk. In order for us to help somebody who was sick we needed to know what was wrong. Katie stated, "I don't want to talk about it." When Katie made that statement she appeared to be getting angry. I advised Katie that I did not want to upset her and I was sorry that I needed to talk to her but that it was just very important for us to know if something had

happened, and if her daddy needed help. Katie stated to me in a very loud voice, "I told you he needs help and I don't want to talk about it." I advised Katie that if a bigger person needed help the only way we could help was if we knew what happened. Katie immediately replied, "Talk to Shirley. She knows the truth." I explained to Katie that it was not only important that Shirley was able to talk to us, it was also important for us to talk to her in case Shirley forgot to say something. Katie did not respond. At that time I indicated to Katie that I did not want her to be upset and that we could try to talk about it another time if she would rather wait. Katie indicated that she "would think about talking about it later." I asked Katie, "Is there more to tell?" and Katie stated, "Yes, but I don't like talking about it, Sharon." I indicated to her that I knew that it would be hard to talk about things like we had talked about but I advised her that she had done "really good" and assured her again that she was not in any trouble.

I asked Katie if I could ask her just two more questions and indicated that we would leave after that. Katie stated, "Just two and no more." I asked Katie if she could remember what she and her daddy were wearing when the thing happened that she had shown me with the dolls. Katie stated, "What do those dolls have on?" I advised her that the dolls were both nude. Katie's response was, "That's right. We were both nude."

At that time I picked up Katie's coat and indicated to her that she had done really good and that we would go. Katie stated, "I told you you could ask two questions and you only asked one. Then we can go." At that time I stated to Katie, "Katie, did more happen than what you just told me with the dolls about your daddy and you?" Katie stated, "Yes, I won't say it but I'll show you with the dolls." At that time I observed Katie walk to the bed, at which time she picked up the child female doll and placed the mouth of the female doll against the penis of the male doll. When Katie did that I asked her who the dolls were and Katie stated, "You were only going to ask two questions." I indicated to Katie that that was part of the question because I needed to know who the dolls were. Katie stated, "This is me and this is my daddy." I asked Katie what she called what the dolls were doing and Katie stated, "Two questions." I advised her that that was still part of the second question and Katie stated, "This is called sucking." When Katie made that

statement she made a shivering noise with her mouth and shook her body as if what she was doing with the dolls was distasteful.

At that time Katie got her coat and indicated that I had asked two questions, she had answered two, and that she "wanted to go home." When I was putting my coat on I stated to Katie, "There are only two ways we can make sure things like this don't happen to children again, Katie. One is to get the person bigger than the child help or to keep the child and that person separated." Katie then stated to me, "I think it would be wonderful if you would keep my dad in Washington and Matt and I would stay with my mother in California."

The time that Katie and I were alone in my room discussing the possibly sexual contacts was approximately one and a half hours. However, there were several times during that time when Katie was quiet and there was no conversation. When Katie and I left the motel, it was approximately 7:00 PM and neither she nor I had eaten anything. Katie indicated that she was hungry so en route to her residence I stopped and Katie and I each had a taco and a cold drink at a drive-in restaurant. During the time we were in the restaurant Katie stated to me, "It was good I told the truth, huh?" I assured Katie that it was always good to tell the truth and asked her if she would be willing to talk to me again before I left in case there was something else important that she had forgotten to tell me. At that time Katie placed her finger over he mouth telling me to "shhhhh" indicating that I should be quiet and stated, "This is not a private place to talk." Katie then advised me that we could talk in the car because that would be private, after we finished eating.

When we finished and were en route to Katie's home she stated, "I bet my step-mother will be proud of me for telling the truth." I advised her that I felt Shirley would be proud of her for telling the truth and stated to Katie, "I know how hard it is for children to talk about these things," and Katie stated, "Are you proud of me, too?" I advised Katie that I was always proud of children who told the truth. Katie stated to me, "But, you've got to promise not to tell Matt because he will laugh, I can guarantee you." I asked her why she thought Matt would laugh and she stated, "I just know he would laugh, that's all." Several times when we were driving en route to her

home Katie talked about "Shirley being proud of her because she just had to know what happened, her mother being proud of her and me (KRAUSE) being proud of her for telling, because it was hard to tell."

At one time I told Katie that sometimes when we start talking about things we remember things we had forgotten and that's why I wondered if she would talk to me again. Katie stated, "I remember lots of things I didn't tell you but I can tell you the next time." I asked her what the things she remembered were about and Katie stated, "You know, that secret stuff." At that time I stated to Katie, "Katie, when you talked to Shirley, did you say something about someone else doing things, too?" Katie immediately stated, "Yah, well, Sharon, I lied about that to my step-mom." I asked her if she could remember why she lied about that and she stated, "Well, I didn't want to make her feel bad and she had to know, didn't she?"

I indicated to Katie that when I talked to Shirley she was worried that she (Katie) would be upset with her for telling because she (Katie) had told Shirley not to tell. Katie stated, "Yah, like my daddy tells me not to tell and I had to." I asked her if she knew why Shirley told me and Katie stated, "Because she loves me and I love her and she wants my daddy to get help too, doesn't she?" I indicated that Shirley would want him to get help if he did that, too." Katie stated, "He did do that."

Also, as we were driving home there were several seconds when neither Katie nor I had said anything and Katie stated to me, "Sharon?" I stated, "Yes." Katie stated, "I really love my daddy." I indicated to her that I knew she loved her daddy and Katie stated, "When he did that I didn't say anything because if you say things when you're mad you can't take them back, and I didn't want to hurt my daddy's feelings." I asked Katie if she ever talked to her mother about what we talked about and Katie stated, "No, I just told my step-mother."

When we arrived at Katie's home, Deanna SPENCER was at the residence. I indicated to Deanna SPENCER that Katie was a "good helper" and that she had talked with me and had really helped me. At that time Katie was standing on the couch and jumped into her mother's arms and stated, "Aren't you proud of me cause I told the truth, cause I knew I had to about my dad." Deanne SPENCER told Katie that she was proud of her. Katie told her mother that "she

loved her" and Deanne SPENCER said the same to Katie. I said again that Katie did really good and was a good helper by talking to me. Katie placed her hand over my mouth and said, "Don't tell her what we talked about." Her mother assured her that it was okay and the important thing was to just be able to tell the truth. Katie stated, "And it's not my fault. It's my dad's, huh?" Deanne stated, "It's not your fault."

I did not attempt to question Katie any more that day; however, conducted another interview prior to my leaving the Sacramento area. Refer to additional utility reports for details.

Prior to leaving Deanna SPENCER'S residence I made arrangements to pick Matt SPENCER up the following day for the purpose of my interviewing him reference any knowledge he may have regarding this situation.

Investigation to continue.

# EXHIBIT AA

Declaration of Kathleen T. Zellner in  
Support of Plaintiff's Response to  
Defendant's Renewed/Second Motions  
For Summary Judgment (C11-5424BHS)

CLARK COUNTY SHERIFF'S OFFICE, WASHINGTON  
UTILITY REPORT

CASE #84-0506

SUPPLEMENTAL RPT

STATUTORY RAPE IN THE FIRST DEGREE, RCW 9A.44.070

LOCATION OF INCIDENT:

DATE OF INCIDENT:

DATE & TIME: 10-18-84 2030 hours

LOCATION: Holiday Inn, Room #135

5321 Date Street

Sacramento, California 95841-2597

INCIDENT: Interview with Victim

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VICTIM: SPENCER, Kathryn E. dob: 01-13-79

aka: Katie

aka: Kathy

3930 Becerra Way

Sacramento, California 95821 phone: (916) 482-6057

SUSPECT: SPENCER, Clyde Ray dob: 01-07-48

aka: Ray SPENCER

17681 NE Lucia Falls Road

Yacolt, Washington phone: 687-1407

Work phone: (206) 696-8292

SUMMARY:

On 10-17-84 I met with Katie SPENCER a second time for the purpose of interviewing Katie reference any additional information she might share regarding allegations she was making, indicating that during the summer of 1984 her natural father, Ray SPENCER, was sexually involved with her during a visitation in Vancouver, Washington. During my interview with Katie on 10-16-84 she did indicate that there had been sexual contact between she and her father. However, Katie was reluctant to discuss what had occurred and prior to my terminating my contact with her that day, I indicated to her that I may want to talk to her again at a later time. Katie also had advised me that there were some things that she had not told me and that we could talk about those the next time.

On the afternoon of 10-17-84 I accompanied Katie and her mother, Deanna SPENCER, to a therapy session. Regarding that session refer to additional utility report. During the early evening hours of the 17th I spent some time alone with Katie's brother, Matt SPENCER. When I returned Matt to his residence I indicated to Katie that maybe I could meet with her the following day so she and I could talk again. Deanna SPENCER was also present during that conversation. Katie stated several times prior to my leaving the residence "that she did not want to talk about it any more." However, prior to my leaving, I did indicate to Katie that I would call her the following day or stop by to see if she had changed her mind.

Katie SPENCER attends a morning school session, arriving home at approximately noon. On a daily basis, after she eats her lunch Katie naps until sometime between 1:30 and 2:00 PM. On the early afternoon of the 18th I called the babysitter, Patty OWENS, at the SPENCER residence and made arrangements to come by at approximately 1:45 PM to talk with Katie in an attempt to encourage her to accompany me so we could discuss the sexual issue again. When I arrived at the SPENCER residence Katie was still napping. Patty OWENS woke Katie up and when she came in to the living room area where I was sitting, she immediately came over and sat on my lap. I told Katie that I was sorry I came so early and she had to wake up, and Katie replied, "That's okay because I knew I was gonna go with you." I indicated to Katie that I stopped by

to see if she was going to go with me, but I wasn't sure because she had indicated the night before that she didn't want to do that. Katie stated to me, "I don't mind talking. I just want to do it in private." At that time Katie got her shoes and coat, got dressed and we left the residence.

After we got into my vehicle I asked Katie if she wanted to talk in the car or would she rather go to where I was staying. On the evening before Katie indicated that she liked talking in the car also because "it was private." Katie advised me that we could talk for awhile in the car and asked if we could get something to drink because she was thirsty. I stopped at a Dairy Queen and Katie and I both had a small sundae and while we were eating the sundae we parked across the street in the parking lot near a ball field and talked.

Initially, Katie indicated again that she "didn't mind talking to girls about this but sure didn't want to talk to boys." Katie also stated to me, "And I especially don't want Matt to know anything." I asked her why she didn't want Matt to know and Katie stated, "I know he'll just laugh." I asked her why she thought Matt would laugh and Katie stated, "Because I know boys will just laugh about that stuff, and it isn't funny." At that time I asked Katie if she remembered talking to Detective FLOOD in Sacramento and she indicated that she did. She stated, "He just talked cause I didn't tell him." I asked her if she knew Detective FLOOD had also talked with Matt. Katie shook her head yes. I told Katie, because Matt talked to Detective FLOOD and because he talked to me yesterday, "Matt knew about what happened to her." Katie stated, "He does?" I stated, "Yes, he does know, Katie." She stated, "Did he laugh?" I told her that he did not laugh and he was sorry that happened to her. Katie stated, "That's because my brother loves me."

During the time we sat in the car Katie mentioned several times that she "knew her step-mom, Shirley, was sure going to be proud of her for telling the truth." Katie made several statements reference Shirley SPENCER, indicating that she liked her, that she thought she was pretty, and that Shirley was nice to her. Katie stated to me, "That's why I told her because she's really nice."

Katie talked about her mother, Deanna SPENCER, being "proud of her for telling the truth." Katie stated to me in the car, "My mom was proud cause I told the truth, and I had to tell the truth, but it's really hard sometimes, huh?" Katie then stated to me, "My step-mom, Shirley, asked me if I lied when I told her and I told her it was the truth because it was." Katie then asked me, "Did Shirley tell you I told her the truth?" I indicated to Katie that Shirley had talked to me about a lot of things but the only persons who really knew what was true and what wasn't were the people who actually saw something happen. I then indicated to Katie that if I told her something happened she might believe me but she wouldn't really know unless she actually saw it herself. Katie indicated she understood and then stated, "But sometimes you just have to believe somebody when they tell you things, even if you don't want to, like you believe me, don't you?" I indicated to her that I did and Katie stated, "And my mom does and so did my step-mom, Shirley, and that's why everybody is so proud of me."

Katie asked me during the time we were sitting in the car if I was "going to talk to her daddy about this when I got back." I advised her that I would talk to him and Katie stated to me, "You should tell my daddy that he has to tell the truth too because it's always best to tell the truth." Katie then talked about her daddy "needing help" and stated, "Cause he can't get help if he doesn't tell the truth, can he?" I advised Katie that it was hard to help somebody with any kind of a problem unless you knew what the problem was. Katie stated to me, "Well, it's because his thinking is sick." (In the previous interview with Katie I had talked about somebody's thinking being sick when they touched children where they shouldn't.)

After Katie and I finished the sundae, with her agreeing to do so, we proceeded to the Holiday Inn where I was staying. During the time I was driving to the Holiday Inn from the ball field, Katie appeared to be open about what we were going to talk about and did not appear to be reluctant in any way to go with me. At one point during the time I was driving Katie commented on the time we had spent on the previous day with Ann LINK who is Katie's therapist. Katie stated to me, "Ann still loves me and is proud of me because it's not my fault that happened, is it?" I assured her that it was

not her fault. Katie stated to me, "I just didn't want to have to say those words to Ann but maybe I can tell her later when I tell her a story." (The therapist, Ann LINK, uses play therapy with Katie during the one hour sessions.)

When Katie and I arrive at the motel and were inside the room, she immediately took off her coat again and shoes and indicated she wanted to get the dolls out. The anatomically correct dolls that I have do not have any clothing. Katie asked if I had anything in my suitcase that she could use to dress the dolls. I advised her the only thing I had was a swim suit coverup and swim suit that maybe she could use. Katie got those items and spent approximately a half hour playing with the dolls and dressing them. During that initial time we did not discuss anything about the sexual issue or her father.

After Katie had played with the dolls for approximately that one half hour, I asked her if she was ready to talk to me a little bit before we went back to her house. She indicated she was but that she wanted to have the dolls when we talked. At the time Katie was playing with the dolls, I was sitting at a small table in the room writing and at times talking with her regarding the dolls and what she was doing with them, and when I indicated to Katie that I wanted to talk again Katie moved the dolls over and told me to sit beside her on the bed, which I did. I asked Katie which dolls we needed to use and Katie stated, "These." (At that time she held up the male adult doll and the child female doll.) Katie then stated, "I'll take their clothes off because they have to be naked." I said to Katie, "Okay," and she stated to me, "I wish you had a bathrobe for him because that's what my daddy wears, but he doesn't have to have any underwear on. I would just need a bathrobe."

Katie then stated to me, "Go ahead and ask the questions." I indicated to Katie that I wanted to make sure I knew how old she was when that happened and Katie stated, "When my pee-pee got touched? That's when I was five, remember?" I asked Katie, "Did anything else happen when your pee-pee got touched?" Katie at that time hit the adult female doll with the male doll and she stated, "That's when that happened." I indicated to her that I was confused and didn't know what she meant, and Katie stated, "I was five when I touched Shirley there, too, remember?" I asked her if the pee-pee thing

happened when Shirley was there and Katie stated, "No, Daddy babysat us. He would pick us up at the babysitter." She then stated, "When my dad's at work my step-mom babysits and when my step-mom's at work my dad babysits us." I asked Katie where she was when they babysat her and she stated, "At my dad's house beside the river."

I stated to Katie, "Remember what we were going to talk about? What was the first thing you can remember happened?" At that time Katie placed the male doll face up on a pillow on the bed and placed the female child doll on top of the male doll. At the time she did that she was very careful to line the penis up with the vaginal opening on the female child doll. I asked Katie, "How many times did that happen?" Katie stated, "One time." I asked her if she was sure and Katie stated, "I'm sure." I asked Katie where Shirley was and Katie stated, "Shirley was at work." I asked her where Big Matt and Little Matt were and Katie stated, "Big Matt and Little Matt were asleep in the living room." I asked her where she was and Katie stated, "Dad and me were in the living room, too." I asked Katie if Big Matt and Little Matt saw what happened and she stated, "No." I asked her why they couldn't see what was happening if everyone was in the living room and Katie at that time said, "Those guys were over there (and she pointed back towards the headboard of the bed) and anyways, they couldn't see cause they were asleep and me and my dad were here." (She pointed down to the pillow.)

At that time I pointed to the child female doll and asked Katie, "What does she have on?" Katie stated to me, "I had a nightgown on and my panties." I pointed to the adult male doll and asked her, "What does he have on?" Katie stated, "My dad just wears his robe and he had his underwear on." During this entire time I was taking notes and I repeated what Katie had said, specifically stating, "His robe and his shorts on." Katie interrupted me and stated, "No, he didn't have his shorts on; just his underwear and his robe." I asked Katie if he had anything else on and Katie said, "Just the TV."

I asked Katie if she could remember if it was daytime or night time and Katie stated, "It was night time." I asked her how she could remember and Katie stated, "I remember, it was night time and that's when we sleep, and that's when Matt and Little Matt sleep." I asked Katie if she could

remember anything her daddy said when that was happening and Katie stated, "I don't remember." I asked her if she was standing up or what when it happened and Katie stated, "No, I was laying on my back." I asked her if she could show me what happened with the dolls and at that time Katie picked up the anatomically correct child female doll and placed it on the pillow face up. I asked Katie, "Where were you?" and Katie picked up the female doll, hit the male doll and stated to me, "Put him right there," pointed to the pillow with the child female doll and stated, "I'll show you." I picked up the male doll and asked Katie, "How should he be laying?" and Katie stated, "My dad was laying on his back. Put him on his back." When I had placed the male doll face up on the pillow Katie immediately put the female doll on top of the male doll. Again, I observed her being careful to line the vaginal area of the female doll up with the penis of the male doll. I asked Katie, "Did Big Matt and Little Matt see that?" and again Katie pointed towards the headboard behind us and stated, "No, they were over there and Dad and me were laying on the blanket." I asked Katie, "What did your daddy have on when that happened?" and Katie stated, "Noth--ing." I asked her what she had on and Katie stated, "Noth--ing." Katie then stated, "Ick!" I indicated to Katie that she had told me she had on her nightgown and panties, and Katie stated, "Not when he did that." I asked her if she could remember how her clothes got off and at that time she pointed to her chest with her finger. Katie then stated, "My daddy made me do that." I asked her what her daddy made her do and Katie stated, "He makes me take my clothes off."

I stated to Katie, "What happened after your clothes were off?" and Katie stated, "That's when my daddy's wiener sticks up." I asked her what happened then and Katie stated, "Well, he hurt me then." I asked her if she could show me how he hurt her and Katie stated, "I can show you what hurt me." I asked her if she could do that with the dolls and Katie at that time picked up the child female doll and inserted the penis of the male doll into the vaginal opening of the child female doll that she had indicated was her. I asked Katie if she could remember if her daddy had said anything when that happened, advising her that it was really important to remember what he

might have said, and Katie stated, "He just doesn't say nothing to me." I said, "Does he says he likes you?" Katie stated, "He says he loves me."

I told Katie that "sometimes it was hard to remember things that you didn't like talking about but if you closed your eyes and were very quiet sometimes you would remember something" and asked her to close her eyes and try really hard to remember if her father might have said anything. Katie covered her eyes with hands, leaning on her elbows, and after only seconds, in a very sarcastic tone, while she was bobbing her head back and forth, Katie stated to me, "What do I say, baby girl?" I asked her what that meant and Katie stated, "Well, that's what he says to me." I asked her if she could remember anything else and she indicated that she wanted to color for awhile.

While Katie was coloring on a blank cartoon drawing, I asked her if her father ever kissed her. Katie stated, "Yes." I asked her where he kissed her and Katie stated, "On the mouth." I asked if her father ever kissed her anyplace besides the mouth, like on the cheek, and Katie just looked at me without saying anything. Katie took several seconds and looked at me again, then stated, "Put that daddy doll back here on his back." I picked up the male doll and laid it face up near where her hands were, and Katie raised up and grabbed the child female doll and at that time I observed her put the mouth of the female child doll on the penis of the male doll. I stated to Katie, "Why did you do that?" Katie stated to me, "Well, you asked me where he kisses me and that's where he does." Katie colored a couple more seconds, raised up, then picked up the female child doll, turned her over and at that time put her finger slightly into the opening and stated, "He kisses me inside there." I asked Katie if she could show me with the dolls what she was saying and at that time Katie laid the female child doll face up and placed the mouth of the male adult doll on the genital area of the female doll, and when Katie positioned the dolls that way she made a kissing sound with her lips. Katie stated to me, "This is so gross." I told her that it was just important to know what she could remember, and Katie stated to me, "I'd like to forget this whole thing." I asked her why she would like to forget this "whole thing" and Katie stated to me, "I don't like to say those words and my dad shouldn't have done

that and he really needs help." I stated to Katie, "When you made that kissing sound, what is happening?" Katie stated, "He kisses inside that hole and it doesn't even hurt." I asked her if she thought it would hurt and Katie stated, "Well, it hurts my mouth when I have to kiss his wiener inside." I asked Katie if anything else had ever hurt her and Katie stated, "Just when he tried to stick his big wiener in my pee-pee, but he just did that once." I asked Katie how many times the kissing thing happened and Katie stated, "You mean, how many times did I have to kiss his wiener?" I said yes, and Katie stated, "All I can remember is one time." I asked her if it might have happened more than once and Katie stated, "I guess it might have. I just don't remember." I asked Katie how many times (pointing to the male doll) did he kiss her pee-pee? Katie stated, "I don't know." I asked her if she could think about it and Katie stated, "Well, he did it once I remember, but I don't remember if he ever did it any other times." I stated, "What was that he did once?" and Katie stated, "He kisses inside my pee-pee hole." (When Katie stated that she stated "uuck" and shook as if she was describing something very distasteful.)

I was writing and Katie began coloring, then stated to me, "Sharon, I just wanted Shirley to know, so I told her and she was proud of me and she's going to be proud because I told the truth to you, too."

I asked Katie if she ever took a bath with anyone when she was at her daddy's and Katie stated, "Sometimes I took a shower with him but nothin' every happened when we were in the shower."

I asked Katie if there was anything else that had happened about her daddy that she hadn't told me yet, and after she colored on the cartoon for several seconds Katie stated, "He makes me touch his pee-pee, too." I asked her how many times that happened and Katie said, "I don't remember, I guess just once." I asked her when that happened and Katie stated, "The same night as the other stuff." I asked her if she could show me with the dolls how that happened. At that time Katie laid the male doll on his back and with the hand of the child female doll was attempting to wrap the thumb and fingers around the penis of the male doll. Katie was also moving the hand up and down on the penis. I asked her if anything else happened and Katie stated, "He touches my pee-pee, too." I asked her, "Who touches your pee-pee?" Katie

looked up at me and stated, "We're talking about my daddy." (At that time Katie was pointing to the male adult doll.) I asked Katie what part of her pee-pee her daddy touched and Katie stated, "Outside here." At that time she was pointing to the vaginal opening. I asked her if she could tell me about that and Katie stated, "That hurts when they keep doing that, like keep touching you." I asked Katie what her daddy had on when she touched his "pee-pee" and Katie stated, "He pulls his underwear down to about here." (At that time Katie pointed to the area just below her knees.) I asked Katie if she could remember anything else and she indicated she couldn't and wanted to color.

After Katie colored on the cartoon for several minutes Katie stated to me, "Sharon, I really love my daddy and he loves me, too." I indicated to her that I knew she loved her daddy and that I knew he also loved her. Katie stated, "If he really loves me then why does he do that to me?" I advised her that I didn't know but the only reason I could think of was that when daddies do that it was because their thinking was sick. Katie asked me, "Did your daddy ever kiss your pee-pee?" I told her that my daddy had not done that to me and Katie stated, "You're really lucky." I asked Katie what her daddy called her when she was with him and Katie stated to me, "He calls me Kathryn and baby girl. He doesn't call me Katie." Katie then stated, "My daddy tells me that he loves me and that I'm pretty, and he even said I had a pretty bottom."

Katie asked me if "she and Matt would be visiting her father next summer." I advised her that I did not know yet whether she would. Katie stated, "I don't want to see him til he isn't sick anymore." I indicated to Katie that when I talked to her mother she said something about Katie not wanting to go to her daddy's and step-mom's last summer. Katie shook her head, indicating with a yes nod. I stated to Katie, "Is that true that you told your mother you didn't want to go visit your daddy last summer?" Katie stated, "Yes." I asked her why she didn't want to go visit him and Katie stated to me, "Because I thought he would just do it again." I asked Katie, "Did he do it again?" Katie stated, "I told you he did." I stated to Katie, "If he did it again, Katie, does that mean that something happened before last summer?" Katie stated to me, "I don't remember and I don't want to talk about it." She then

stated, "Anyway, he won't do it again." I asked her how she knew he wouldn't and Katie stated, "Cause I won't let him ever do that again." I stated to Katie, "Could you stop him last time?". and Katie looked at me for several seconds and then replied, "No, I couldn't. He really has to be helped, doesn't he?" I told her when a big person does that to a child, they do need help.

At that time I told Katie that sometimes children said things happened that really didn't. They don't do that because they are lying, it's because the child gets mixed up about things, like who really did it and stuff like that. I asked Katie, "Is everything you told me what really happened or could you have sort of got mixed up about some things?" Katie stated, "It really happened." I told her that some times "if you close your eyes and try really hard to remember, all of a sudden you remember, I was just mixed up," and it's okay to say you got mixed up. I then stated, "Like you might close your eyes and then all of a sudden remember, Oh, that wasn't my daddy that did that; it was someone else." Katie laughed and stated, "I don't get mixed up about my daddy, Sharon. I knew him since I was born." I asked her, "How about all of the things you told me he did to your body? Could you have gotten mixed up about that?" Katie stated, "No, I didn't. I was awake and I remember."

I asked Katie if anyone else had ever touched her body like on the private areas that shouldn't have and she stated, "No. I shouldn't have touched my step-mom, should I? I wish I didn't do that." I told her all of us have done things we wished we hadn't.

I asked Katie if anyone had told her to say things about her father and she stated, "He was the one who told me not to tell anyone, and I didn't. But I finally told and that was so good for me to do that, huh?" I indicated to her that it was always good to tell someone if something was bothering you. I stated to Katie, "The reason I said that to you about someone telling you to say things was because sometimes that happens, like a mom tells the child to say things that are bad about the dad, or a big brother tells his little brother to do something or he would do something bad to him like hit him or something like that. Katie stated, "My mom doesn't like me and Matt to say bad things about anyone. It's always better not to say

things and hurt people's feelings, huh?" I told her it's always best to think about things we say so we don't make someone feel bad.

The remainder of my conversation with Katie during the time I was with her that afternoon was about unrelated topics or statements consistent with what she had already told me regarding her sexual involvement with her father.

When I returned Katie to her home, it was shortly before 5:00 PM. Prior to leaving the Holiday Inn, Katie asked if she could stay longer and play with the dolls with me. I told her that I had to get her home because she and Matt were going to dinner with their grandmother.

Investigation to continue.